

Zoning Board  
August 11, 2011  
Milton, FL.

The Zoning Board met on the above date with the following members present: Chairman Bill Dubois, and members David Powell, Paul Carney, Bill Seelman, Rob Williamson, and non-voting member Randy Roy (NAS Whiting Field). Also present was Beckie Cato, County Planning and Zoning Director and Leslie Statler, Planner I. All those in attendance joined in the Pledge of Allegiance.

The first item of business was the review of the minutes from the July 14, 2011 meeting.

Dubois moved approval without objection of the July 14, 2011 minutes.

**New Business:**

**1. Heart of Navarre Overlay District (HON)**

Request: The Board of County Commissioners has initiated a process to revise or remove this overlay district. The Heart of Navarre Overlay Zone requirements are found in Section 6.05.24 of the Land Development Code and are applied to new development and changes to existing development.

Proj/Applicant Santa Rosa County  
Proj Location Holley-Navarre  
District: Commissioner District #4

Dubois said it took a year to get the Navarre Town Center district in place in 2003-2004. He said when he was on staff with Planning and Zoning he was the staff advisor to the Navarre Architectural Review Board. Cato made a Power Point Presentation to the board. She said there have been two public meetings in Navarre regarding this issue. Cato said this meeting is identified as a Public Hearing. She said simple changes can be made to the code and voted on at this time. Cato said these recommendations will be sent to the Board of Commissioners for approval.

Williamson asked if the board can vote and recommend removal of the Architectural Review Board at tonight's hearing. He asked if the recommendation will be forwarded to the Board of Commissioners. Cato said yes.

Henrietta Lawlor said she does not agree with doing away with the Town Center plan but said she thinks it needs significant change. She discussed several changes she felt needs to be made to the plan.

Ralph Agnew said the Navarre Beach Chamber of Commerce conducted a survey of their members in which 34% of those surveyed wanted to revise the plan. He said 10% of those surveyed voted to eliminate the plan completely and 14% voted to leave the plan as is. He said residents do not want an MSBU if this plan is done away with. Seelman asked if the Chamber considers the current plan restrictive for business. Agnew said that question was asked in the survey and 33% said the plan encouraged business development. He said 17% said this plan discouraged business development. Agnew said the utility tap fees are the same in this area as the rest of the County. Williamson asked if the Chamber's position is to modify this plan. Agnew said yes.

Ira Mae Bruce said Navarre is in District 4 and this District grew by 11,000 residents according to the 2010 census. She said she would like to see modifications to the plan rather than eliminating it. Dubois said he felt this area will continue to grow in population.

Janet Pokroy said when she moved here no one mentioned the Navarre Town Center Plan. She said she lives in the Overlay District. Pokroy said she does not want any commercial zoning located within single family residential neighborhoods. Dubois said if the Overlay District is removed there will still be potential for rezoning requests that will allow commercial zoning.

Joann Conner said she was on the steering committee and the Architectural Review Board. She said if this plan is done away with it goes back to lot by lot decisions. Conner said the Architectural Review Board made exceptions to the rules to allow for development. She said if the Architectural Review Board is done away with the Zoning Board would have to adhere to the rules as written. Carney asked Conner if she is aware of developers that were inhibited by the Town Center Plan. Conner said the Architectural Review Board never denied an application.

Judy Stokley said she supports keeping the Town Center Plan. She said she has extensive contact with military moving to this area. Stokley said people do not want to move to Navarre because of the traffic and "junkiness" of the area. She said development is in people in this area. Stokley said it is tempting to think there is less development because of the Town Center Plan. She said she does not think this is justified.

Chuck Lutz asked if a funding plan has been approved for this plan and it's start date. He said there has been no consideration for the residential areas.

Michelle Tucker said there are sections of the plan that are in conflict with subdivision restrictions. She said Town Center 2 should be amended. Tucker said Town Center 1 is strong and should be left alone.

David Hill said he does not want large scale commercial development in this area.

William Goulet said the lack of funding makes this a bad idea. He said there is no industry in Navarre. Goulet said utilities in the Navarre area are comparable to other areas.

Lonnie King said he builds homes in Navarre. He said he has had problems getting developments approved under this plan. King said the building options through the plan are not suitable.

James Burda said the plan needs to be modified but not revoked. He said Navarre should have a plan for the future.

Phil Babiak said there have been good points made tonight. He said he felt there is a perception it is hard to do business in Navarre, but the reality is the community is growing. Babiak said it should be easier to develop in Navarre.

Cato said the input she heard tonight emphasizes the need for everyone to work in the same direction. She said everyone has distinct roles in this process, and things will go smoother if all entities work together.

Bob Benaquis said he owns a restaurant in Navarre. He said if everyone works together the Navarre Town Center Plan can be a

great benefit to Navarre.

Justin Diel said he has lived in Navarre since 1999. He asked when the Navarre Town Center was zoned to commercial. Cato said the Town Center zoning districts were implemented in 2005. He said this plan forces homeowner association type regulation on residents within this district. There was continued discussion about land use within the Navarre Town Center.

Lawlor said she recommends eliminating Town Center 1 and the Architectural Review Board.

Cato said tonight's hearing was advertised as handling the Heart of Navarre Overlay District. She said because of the advertising requirements the board can only take action on the Heart of Navarre Overlay District.

Burt Mansfield said he felt this plan should not be eliminated.

William Leighton said his concern is the increase in traffic if this area is commercially developed.

Jack Bonney said when communities have a plan they keep their values and attract more residents. He said he recommends simple changes to the plan. Bonney said he does not feel this plan should be sent back to staff for review. He said he recommends making three changes to the Navarre Town Center Plan: eliminate the first edition of the plan, eliminate the Architectural Review Board, and remove the list of certain style regulations.

Dubois said his recollection is that residents did not want the area to look like Destin. He said there is confusion in the text between "architectural requirements" and "architectural styles".

Powell said he agrees with removal of the architectural styles. Cato discussed infrastructure within the Navarre Town Center Plan. She said the cost estimates for roadway improvements were more than expected so that project was set aside.

Carney said he understands the need for this plan. He said commercial development requires two fundamentals which are population and ease of process. He said he cautions making too many changes and felt the board should focus on the fundamentals. Carney said he felt the Architectural Review Board keeps organization to the process.

Seelman said he felt the board needs to address Town Center 1. He said he agrees with changing some of the architectural stipulations. Seelman said all departments should be working together.

Williamson said he felt it is great so many people are engaged in this process. He said he does not feel the plan should be repealed. Williamson said he does not feel the Heart of Navarre Overlay District has been a hindrance to economic development. He said market conditions will dictate what development happens in Navarre and else where.

Dubois moved approval without objection of the following modifications to Land Development Code Article 6.05.24:

1. Amend the Heart of Navarre Overlay District Map "Exhibit A" to exclude the Navarre First Addition subdivision;
2. Rename Subsection 6.05.24.C.2 from "Architectural Requirements" to "Performance Standards";
3. Remove the architectural requirements identified in Subsection 6.05.24.C.6;
4. Remove the administrative review process outlined in Section 6.05.24.D;
5. Remove the paint color specifications identified in Subsection 6.05.24.C.2.i;
6. Remove text referencing "Architectural Style" where applicable in Article 6.05.24.

## 2. 2011-V-018

Request: Variance to allow an accessory structure which is not incidental or subordinate in size to the principle structure (LDC 3.00.01)

Note: The principle structure is 3616 square feet (including garage & porches), whereas the accessory building is 3750 square feet.

Zoned: PUD (Planned Unit Development)

Proj/Applicant Ernest R. Cobbett

Proj Location 9489 East River Drive, Navarre

Parcel # 11-2S-26-0000-00184-0000

District: Commissioner District #4

Dubois moved without objection for this item to be tabled until September 8, 2011.

## 3. 2011-CU-009

Request: Conditional Use to allow a dog kennel/boarding facility to be located within a Highway Commercial Development (HCD) zoning district (LDC 6.09.02.X)

Zoned: HCD (Highway Commercial Development & R2 (Medium Density Residential)

Proj/Applicant "Wags & Whiskers" Joshua and Melanie Hawkey represented by Kerry Anne Schultz, Fountain, Schultz & Associates, P.L.

Proj Location 2085 Kubota Lane, Navarre

Parcel # 21-2S-26-0780-0FF01-0000

District: Commissioner District #4

Schultz said her clients intend to clean up this property. She said she is aware there is opposition in the audience, and she will address these concerns. Schultz said her clients intend to build their own home on the back portion of the residential property. She said this means her clients will be on premises of the proposed dog kennel. Schultz said she felt the public has been misled in regard to what will be happening on this property. She said her clients will uphold the highest standards for what they propose to do on this property. Schultz said this request will not adversely affect any neighboring properties. She said the LDC (Land Development Code) requires the kennels be sound proof. Schultz said the dogs will only be taken outside for exercise and bathroom breaks. She said dogs will be the only species on this premises. Schultz said this request is in compliance with the Comprehensive Plan. She said all waste will be taken off the premises daily. Schultz said there will be a grooming facility which will be open during normal business hours. She said there will be an 8 ft. privacy fence required around the facility. Schultz said there will be no noise, odor, or visual affects detectable by the adjoining properties.

Dubois asked if there are any plans for the vacant area on the property. Schultz said the commercial portion of the property will be where the outdoor activity will be. Powell asked if there are any plans to place anything between the white building and Hwy 98. Schultz said no. Powell asked how many dogs will be on the facility at one time. Schultz said 6-7 daily. Powell asked if the website addresses dog training. Schultz said her client is a certified dog trainer, but dog training will not take place on this site.

Carole Cavin said she has 4 letters of opposition to provide to the board. She said her home does not back up to this location. Cavin said she is concerned about the noise. She said if this request is approved the applicants will be able to put anything on

this property. Cavin spoke against this request. Dubois asked if the residents will be opposed if there is additional buffering. Cavin said she does not know if a buffer will make a difference.

George Pardalis said he has lived in this location for over two years. He said he does not want to hear dogs barking in the middle of the night. He said he is concerned about property values. He spoke in opposition to this request. Dubois said the code requires substantial sound proofing for this building.

Jacob Johnson said he submitted a lengthy letter to the board. He read a portion of the letter out loud. Johnson said this organization's website states this business is a "pet rescue" operation which is substantially different than a boarding facility. He spoke in opposition to this request.

Cato said the statement in the staff analysis that said sound proofing material was not supplied is an error. She said the Building Department will evaluate if the provided material is sufficient.

Christine Johnson said she lives and works in close proximity to this facility. She said this building is close to her rehabilitation facility and she does not want her patients to listen to barking dogs. Johnson said all the other businesses located in this area are quiet. She spoke in opposition to this request.

Schultz said she is disappointed because every objection was not based on fact. She said no one provided evidence that is consistent with the law. Schultz said the property owners purchased their properties knowing this zoning was in place. She said her client rescues animals from the Chipley, Florida shelter. Schultz said those animals will not be brought to this property. She said her clients fully intend to abide by the law. She said the opposition is speaking based on emotion and not evidence.

Williamson asked if any business will take place on the R2 zoned portion of the property. Schultz said no. Carney asked if there are any limits as to the number of dogs they can keep on this property. Schultz said there is no requirement in the code, but her clients will have 6-7 dogs on site at a time. Carney asked if there will be any regulation stating whether or not the dogs are allowed to stay on premises over night. Schultz said no, but her clients do not intend to have dogs stay over night. Carney asked if she is aware of other similar types of facilities that exist close to this location. Schultz said she is not aware of any other kennels in this area. Powell asked how hard it is to revoke a conditional use if the applicant becomes noncompliant. Cato said the conditional use could not be revoked, but it will be a Code Compliance issue the County will respond to. Carney asked what zoning will allow this without a variance approval. Cato said light industrial. Powell said he would like to see conditions be put on this to stipulate a maximum number of dogs that can be kept at the facility and that no dogs are held over night.

Williamson said he felt conditions are unnecessary. He said the issue at hand is a Conditional Use. Seelman said there are inconsistencies between the original presentation and what he heard in other discussion. He said he felt adding conditions will make it unclear.

Williamson moved approval without objection of this request, with the condition there be no more than 7 dogs in the kennel at any time. Carney seconded, and the motion passed by majority vote. Dubois, Carney and Williamson in favor. Powell and Seelman opposed.

#### **Next Meeting:**

The next Zoning Board meeting will be held on Thursday September 8, 2011.

#### **Adjournment:**

There being no further business to come before the board at this time, the meeting adjourned.